



MEMORANDUM

To: PLANNING COMMISSION

Date: September 12, 2006

From: COMMUNITY DEVELOPMENT DEPARTMENT

Subject: ZONING AMENDMENT, ZA-06-13: CITY OF MORGAN HILL-TEXT AMENDMENT TO CHAPTER 18.12 TO ALLOW SECONDARY DWELLINGS AS A PERMITTED USE IN THE R-1 (7000) AND R-1 (9000) DISTRICTS AND AMENDMENT TO CHAPTER 18.18 TO INCREASE THE MAXIMUM ALLOWABLE DENSITY BONUS

REQUEST

A request for amendments to Title 18 of the Morgan Hill Municipal Code: Amendment to Chapter 18.12, eliminating the conditional use requirement and allowing secondary dwelling units as a permitted use in the R-1 (7000) and R-1 (9000) districts and amending Chapter 18.18 to increase the maximum density bonus to 35 percent as provided in Chapter 18.47 of the Municipal Code.

RECOMMENDATION

Environmental Assessment: The proposed amendment is categorically exempt under Section 15305 of the State CEQA Guidelines

Application, ZA-06-13: Adopt resolution recommending approval of the text amendments.

Processing Deadline: N/A

BACKGROUND

Recently, the Planning Commission and City Council considered and approved amendments to housing related provisions in the Zoning Code, Title 18, Chapter 18.47, the "Affordable Housing Bonuses and Other Incentives" chapter and Chapter 18.55, the "Secondary Dwelling Units" chapter. The amendments were necessary to comply with changes in the California Government Code. The amendments to Chapter 18.47 adopted the State's Density Bonus Law provisions by reference. Under the state law, which cities are required to adopt, a project can receive up to a

35 percent increase in allowable density in exchange for providing affordable housing. The increased density is accomplished with and RPD, Residential Planned Development under Chapter 18.18 of the Municipal Code. Subsection B.1 in Section 18.18.110 limits the maximum density bonus to 25 percent. This subsection needs to be amended to be consistent with the 35 percent density increase allowed in California Government Code and Chapter 18.47 of the Municipal Code.

Chapter 18.55 of the Municipal Code, the Secondary Dwelling Unit chapter, was recently amended to be consistent with the Government Code, specifically, to remove the conditional use permit requirement for secondary dwellings in the R-1 7000 and R-1 9000 districts. This requirement was preempted under a change in state law in 2005. As a result of the amendment to Chapter 18.55, Subsection G in Section 18.12.040 of the Municipal Code, the R-1 district regulations, also needs to be amended to remove secondary dwellings from the conditional use section and a new Subsection F needs to be added to Section 18.12.020, adding secondary dwellings to the list of permitted uses.

RECOMMENDATION

Adopt the attached Resolution recommending City Council approval of the zoning text amendments in Chapter 18.12, allowing secondary dwellings as a permitted use in all R-1 districts, and amending Chapter 18.18, the RPD chapter, increasing the maximum allowable density bonus from 25 percent to 35 percent.

Attachments:

Approval Resolution

R:\PLANNING\WP51\Zoning Amendment\2006\ZA0613 City of MH R1 & RDP\ZA0613 m1p.doc

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF AMENDMENTS TO TITLE 18, THE ZONING CODE UNDER CHAPTER 18.12, THE SINGLE FAMILY MEDIUM DENSITY DISTRICT CHAPTER ALLOWING SECONDARY DWELLING UNITS AS A PERMITTED USE AND CHAPTER 18.18, THE RPD RESIDENTIAL PLANNED DEVELOPMENT DISTRICT CHAPTER TO INCREASE THE MAXIMUM DENSITY BONUS FROM 25 PERCENT TO 35 PERCENT TO COMPLY WITH THE CALIFORNIA GOVERNMENT CODE. APPLICATION ZA-06-13.

WHEREAS, such request was considered by the Planning Commission at their regular meeting of September 12, 2006, at which time the Planning Commission recommended approval of application ZA-06-13; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed zoning text amendments are consistent with the Zoning Ordinance and the General Plan.

SECTION 2. The zone text changes are required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code and to comply with State Law.

SECTION 3. The proposed zoning text amendments are Categorically Exempt under Section 15305 of the State CEQA Guidelines.

SECTION 4. The Planning Commission hereby recommends approval of the zoning text amendments to Chapter 18.12 and Chapter 18.18 as outlined in the attached Exhibit A.

PASSED AND ADOPTED THIS 12th DAY OF SEPTEMBER, 2006, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT A

PART 1:

Chapter 18.12

R-1 SINGLE-FAMILY MEDIUM DENSITY DISTRICT

18.12.020 Permitted uses.

The following uses shall be permitted in the R-1 single-family medium density district:

- A. Single-family detached dwellings;
- B. Special residential care facilities;
- C. Duplex or two single-family attached dwellings on corner lots;
- D. Manufactured homes;
- E. Small and large family day care homes.
- F. *Secondary dwelling units, as defined in Section 18.04.164 and Chapter 18.55 of this title.*

18.12.040 Conditional uses.

The following uses may be conditionally allowed in the R-1 district, subject to issuance of a conditional use permit in accordance with Chapter 18.54 of this title:

- A. Public and quasi-public buildings and uses for a recreational, educational, religious, cultural or public-service type, not including corporation yards, storage or repair yards, and warehouses;
- B. Community clubs, and other public and private noncommercial recreational areas and facilities, such as country clubs, golf courses and swimming pools;
- C. Hospitals and other medical facilities, provided that such uses are located adjacent to an arterial road, as designated on the General Plan land use map;
- D. Nursery schools;
- E. Parking lots providing that such lots are adjacent to commercial zoning districts.
- G. ~~Secondary dwelling units, as defined in Section 18.04.164 and Chapter 18.55 of this title. A conditional use permit shall not be required for secondary dwellings in the R-1 (7000) and R-1 (9000) districts where such use is shown on a precise development plan approved under an RPD, Residential Planned Development Overlay District as provided in Section 18.18.020 of this title.~~

PART 2:

Chapter 18.18

RPD RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT

18.18.110 Density bonus conditions.

A. The planning commission may authorize an increase in allowable dwelling unit density for a residential project design which is exceptionally beneficial to the residents and users of the project and to the neighborhood or for those residential projects that assist in meeting the lower income or senior housing needs of the community. When a developer has complied with the requirements of Chapter 18.78 or has received the maximum number of evaluation points under the corresponding section of Chapter 18.78 and the planning commission makes the finding that the proposed residential development meets the minimum requirements for building allotments or the amenities exceed the minimum required and are considered of exceptionally high-quality design by the planning commission, the planning commission may, with the approval of precise development plans, award a density increase. The total density bonus shall not exceed twenty-five percent of the density normally allowed inclusive of bonuses for both project design and affordability

B. The applicant may be awarded maximum density bonuses in each of the following categories:

1. Providing housing units for lower income or senior households as provided in Chapter 18.47, up to a ~~twenty-five~~ *thirty-five* percent density bonus;
2. Providing energy conservation measures and installation of alternative energy equipment, i.e., including but not limited to solar-powered heaters, or other innovative technological solutions (corresponding Section 18.78.280), five-percent density bonus;
3. Providing architectural design, site and landscape which:
 - a. Compliments surrounding architectural development,
 - b. Pedestrian circulation that ties into surrounding development by extending well-designed pedestrian walkways and pathways as a part of a master planned system,
 - c. Compliments specific city design plans, (Street beautification, linear park, buffer along incompatible land use, etc.) five-percent density bonus;
4. Providing for the incorporation of transfer of development credits from another site to the development, up to a maximum 25 percent density bonus.